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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,424	08/22/2001	Morihiko Hayashi	6640762113	4066
7590	11/15/2005		EXAMINER MEW, KEVIN D	
Jay H Maioli Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/762,424	Applicant(s) HAYASHI, MORIHIKO	
	Examiner Kevin Mew	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 8-30, 36-51, 53 and 58-95 is/are allowed.
 6) ☒ Claim(s) 1, 2, 4, 5, 7, 31-33, 35, 52, 54, 55, 57, 96 and 97 is/are rejected.
 7) ☒ Claim(s) 3, 6, 34 and 56 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 06 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Drawings

1. The drawings are objected to because Figs. 1 and 11 lack descriptive labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the reference numerals 1, 2, and 5 in the abstract should be enclosed by parentheses. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 11, 19, 27, 32, 37, 43, 48, 54, 58, 64, 68, 75, 80, 87, 92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 11, 19, 27, 32, 37, 43, 48, 54, 58, 64, 68, 75, 80, 87, 92, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-5, 7, 31-33, 35, 52, 54-55, 57, 96-97 are rejected under 35 U.S.C. 102(e) as being anticipated by Masui et al. (USP 6,393,013).

Regarding claim 1, Masui discloses a communication method for a plurality of communication terminals sharing a single channel to permit a communication channel to communicate at a predetermined communication cycle (a cycle of reservation, reply and traffic

transmission, Fig. 2A) while avoiding a collision with an other communication terminal (each mobile terminal is assigned by a base station a time slot for transmission on a traffic channel, col. 2, lines 5-42), comprising:

a communication timing registering step for, upon start-up of communication, allocating communication timing of a communication terminal (base station receiving a reservation packet from a mobile terminal, col. 2, lines 5-42, Fig. 1) intending to start the communication within said communication cycle, upon start-up of the communication (upon receiving a reservation packet, a time slot on traffic channel is assigned by the base station in accordance with a scheduled control, col. 2, lines 5-42); and

a notifying step for notifying other communication terminals sharing said channel of the allocate communication timing (notifying each mobile terminal of the assignment result through a reply packet, col. 2, lines 5-42).

Regarding claims 31, 96, 97, Masui discloses a communication system (Fig. 1), comprising:

at least one communication control unit (base station) and plurality of other communication terminals (mobile terminals) sharing a single channel (sharing a traffic channel) and said plurality of other communication terminals (mobile terminals) communicate at a predetermined communication cycle (a cycle of reservation, reply, and traffic transmission, Figs. 1 and 2A) while avoiding a collision with other communication terminals (avoiding collision, col. 6, lines 16-41),

each of said plurality of communication terminals (mobile terminals) including:

allocation request means for, upon start-up of communication, generating a communication timing allocation request (generating a reservation packet) and transmitting this to said communication control unit (transmitting this reservation packet to base station, col. 2, lines 5-42); and

a transmission control means for transmitting data at communication timing allocated by said communication control unit at every communication cycle (transmitting traffic on traffic channel on assigned time slots, col. 2, lines 5-42), said communication control unit including:

means for controlling said communication cycle (controlling reservation, reply, and traffic transmission, col. 2, lines 5-42, Fig. 1);

communication timing allocation means for allocating said communication timing to said communication terminal of a requester (assigning time slots to the mobile terminal) corresponding to said allocation request from each of said plural communication terminals (corresponding to the reservation packet request from each mobile terminal, col. 2, lines 5-42); and

communication timing notifying means for transmitting said communication timing allocated by said communication timing allocation means to each of said plural communication terminals (notifying assignment result to each of the mobile terminals, col. 2, lines 5-42).

Regarding claim 52, Masui discloses a communication terminal of communication system, wherein

at least a communication control unit (base station) and a plurality of communication terminals share a channel (mobile terminals sharing a traffic channel, col. 2, lines 5-42) and each

of said plurality of communication terminals carries out communication at every predetermined communication cycle (communication cycle comprises reservation, reply and traffic transmission, Fig. 2A) while avoiding a collision with other communication terminals (avoiding collision, col. 6, lines 16-41), comprising:

allocation request means for, prior to start-up of data communication, generating a communication timing allocation request (generating a reservation packet) and transmitting this to said communication control unit (sending reservation packet to base station, col. 2, lines 5-42); and

transmission control means for transmitting data at said communication timing allocated said communication control unit at every said communication cycle (each mobile terminal transmits data at an assigned time slot, col. 2, lines 5-60).

Regarding claim 2, Masui discloses the communication method according to claim 1, wherein

at least one communication control unit (base station) for controlling said communication cycle (base station is assigning a time slot for transmission on a traffic channel by a mobile terminal) is provided in a network comprised of the plurality of connected communication terminals sharing said channel (a plurality of mobile terminals for transmission on a traffic channel, col. 2, lines 5-42, Fig. 1),

said communication control unit (base station), when said communication terminal (mobile terminal) intending to start communication transmits an allocation request for said communication timing to said communication control unit (mobile terminal transmission

reservation request packet to base station), executing said communication timing registering step (upon receiving a reservation request from a mobile terminal, base station assigns a time slot on a traffic channel to the mobile terminal) and executing said notifying step (base station notifies each mobile terminal of the assignment result, col. 2, lines 5-42).

Regarding claims 4, 32, 54, Masui discloses the communication method according to claim 1, wherein a real time region (radio/traffic channels, col. 4, lines 1-8) for communicating real time data based on the allocated communication timing (for communicating sound and image signals, col. 4, lines 1-8) and a random access region (reservation channel and reply channel) for communicating data (reservation packet transmission control) at random timing (mobile terminal requests for data transmission at arbitrary timing, col. 2, lines 52-60) are provided by dividing said communication cycle into two sections (reservation and reply is one section and traffic transmission is another section, Fig. 2A).

Regarding claims 5, 33, 55, Masui discloses the communication method according to claim 4, wherein said real time region is set up successively in said communication cycle corresponding to said communication timing allocated (traffic channel is set up successively according to the time slots assigned, col. 2, lines 52-60, Fig. 3) while a remaining region (reservation channel and reply channel, Fig. 2A) of said communication cycle is used as said random access region.

Regarding claims 7, 35, 57, Masui discloses a communication system to perform the communication method according to claim 1, wherein said channel uses a carrier (PN sequence) of a same predetermined frequency (data are transmitted at the same carrier frequency, col. 6, lines 16-27) and avoiding a collision (avoid collision) is carried out by detecting presence or absence of said carrier (each of transmitted data can be identified individually based on time deviation of one or more chips in transmission timing between respective symbols in data, col. 6, lines 16-41).

Allowable Subject Matter

5. Claims 8-14, 15-22, 23-30, 36-40, 41-45, 46-51, 53, 58-61, 62-71, 72-83, 84-95 are allowed.
6. Claims 3, 6, 34, 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 3, said communication terminal intending to start communication allocates its own communication timing by itself to execute said communication timing registering step and execute said notifying step.

In claim 8, a communication timing allocation step for, if said response arises corresponding to said call, allocating communication timing for said call terminal and said mating terminal in said communication cycle.

In claims 15, 23, 41, 72, empty setting step for setting the length of empty time in said channel capable of starting transmission of data corresponding to the allocated communication order in said communication terminal to which said communication order is allocated.

a data transmitting step for transmitting data, when emptiness of the same length as said empty time set up in aid empty time setting step is detected on said channel in said communication terminal to which said communication order is allocated, transmitting data.

In claims 36, 62, 63, allocation request means for, if a response is returned from said mating terminal corresponding to said communication request formed by said communication request means, forming an allocation request of communication timing for itself which is a call terminal and said mating terminal and transmitting this to said communication control unit.

In claims 46, 84, 85, allocation request means for, if a response is returned from said mating terminal corresponding to said communication request formed by said communication request means, forming an allocation request of communication timing for itself which is a call terminal and said mating terminal and transmitting this to said communication control unit,

empty setting step for setting the length of empty time in said channel capable of starting transmission of data corresponding to the allocated communication order in said communication terminal to which said communication order is allocated.

a data transmitting step for transmitting data, when emptiness of the same length as said empty time set up in aid empty time setting step is detected on said channel in said communication terminal to which said communication order is allocated, transmitting data.

In claim 53, a communication terminal, wherein a communication timing allocation means, prior to start-up of data communication, allocating timing to itself and notifying other communication terminals of this.

In claim 73, a communication order allocation means, prior to start-up of data communication, allocating timing to itself and notifying other communication terminals of this;

empty setting step for setting the length of empty time in said channel capable of starting transmission of data corresponding to the allocated communication order in said communication terminal to which said communication order is allocated.

a data transmitting step for transmitting data, when emptiness of the same length as said empty time set up in aid empty time setting step is detected on said channel in said communication terminal to which said communication order is allocated, transmitting data.


In claims 6, 34, 56, the communication method according to claim 4, if the real time data transmitted through said real time region is not received properly, said real time data not received properly is re-transmitted through said random access region.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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